

PSC 316-01: Introduction to Law
Fall 2009
Tuesday and Thursday, 9:30 am to 10:45 am
Graham 423

Instructor & Office Hours:

BJ Pearce

Office: 224 Graham

Phone: (336)282-7333

Email: bjpearce@uncg.edu

Office hours: by appointment (email me for an appointment)

Course Catalog Description:

This course is a survey of the judicial process and the place of the court system in American politics. We will cover various topics including the organization of the American courts, the behavior of lawyers and litigants, the processes through which judges act, and the effect of courts on society. The course is intended to familiarize students with courts as institutions.

Student Learning Outcomes:

- To obtain an introductory understanding of the structure of the American court system, the jurisdictions of the various courts in the system, and the quasi-judicial function of certain administrative agencies
- To explore your expectations of the court system and appreciate the way courts influence politics and everyday life
- To understand how judges make decisions and why this process is different from how we may think judges act
- To learn how to read and analyze written judicial opinions

Required Texts:

- Carp, Robert A., Ronald Stidham, and Kenneth L. Manning. 2007. *Judicial Process in America*. 7th edition. CQ Press.
- Katsh, M. Ethan and William Rose. 2006. *Taking Sides: Clashing Views on Legal Issues*. 12th edition. McGraw-Hill.
- Additional Readings will be placed on Blackboard/e-reserve.

Course Requirements:

Case briefs and Other Required Written Work (ORWW) 35%
Participation in mini-debates 15%
Mid-Term Exam 25%
Final exam (Non-cumulative) 25%

Case Briefs:

You will be required to turn in a case briefs for the issues assigned in *Taking Sides*. The case brief will serve to focus your reading on key arguments and issues in each of the cases. I will provide a template for your case brief that you will follow for each case. Case briefs are due at the beginning of class on the date that the issue is assigned. Case briefs must be typed.

Other Required Written Work (ORWW)

These assignments are noted briefly on this syllabus. Additional details will be provided in class. If the ORWW is a case brief of a case not in *Taking Sides*, use the same format you would use for a *Taking Sides* case brief. ORWW is due at the beginning of the class on the date the work is assigned. ORWW must be typed.

Class Participation:

We will have "mini-debates" based on the assigned issues in *Taking Sides* (TS debate issue) and on other assigned issues I consider interesting and educational (OIE debate issue). The class will be divided into small groups on the days that debate issues have been assigned. Each group will discuss the strengths and weaknesses of each side. You will also record your group's thoughts and disagreements about the issue on a debate participation sheet. Obviously, if you are not in attendance, you will receive a zero for participation for the date(s) missed. If time permits, we will discuss the issues as a class after small group debate time has ended.

Exams:

Two exams will be given during the semester, a mid-term and a non-cumulative final exam. Exams will consist of multiple choice and/or short answer and essay questions. Success on these examinations will require a thorough understanding of the reading assignments, class discussions/lectures (including any presentations by guest speakers), and the internet work I assign.

Academic Honor Code:

I expect all students in this course to abide by both the letter and spirit of the university's academic integrity policy. The full text of the Academic Integrity Policy can be viewed at: <http://www.uncg.edu/reg/Policy/HonorPolicy.html>.

Students with Special Needs:

Students with special needs should contact me during the first week of class. I will make every effort to accommodate the needs of students with special requirements.

Late Case Briefs and Missed Debates/Exams:

Students are expected to turn in case briefs/ORWW on time and to be present to take the exams at the scheduled times. Only in extraordinary circumstances will make-up opportunities exist. Students must notify me PRIOR to the missed exam or brief/ORWW with a valid excuse and must be prepared to provide credible evidence (such as a written doctor's note) of the excuse. Excuses for late case briefs/ORWW and missed debates and exams after the fact will not be allowed, resulting in a failing grade for the missed brief/ORWW and/or exam. It is the instructor's sole discretion to determine whether or not an excuse is acceptable. Make-up exams will be scheduled for the same day, time and place for everyone.

Schedule of Topics: Minor adjustments to the schedule may be made during the semester.

Students are expected to keep abreast of any changes made to the schedule. Exam dates will not change.

*Note: Chapter numbers refer to the chapters in *Judicial Process in America*. Each day's reading assignments should be completed prior to class.

Aug. 25 Introduction and course overview

Aug. 27 Chapter 1 – Foundations of Law

Sept. 1 Case Brief and Debate No. 1: *TS* Issue 8—Can Police require individuals to identify themselves?

Sept. 3 Chapter 2 – The Federal Judicial System

Sept. 8 Reserve Reading: Chapter 1 of *The Collapse of the Common Good* by Philip K. Howard.
ORWW: 1 page report on what you learned from this reading.

Debate No. 2: The strengths and weaknesses of Howard’s thesis. Do you see any solution to the problem he has identified?

Sept. 10 Chapter 3 – State Judicial Systems

ORWW: Go to www.nccourts.org. Explore the site. Click on “Courts”. Print off and bring to class the pages from the web-site which describe each of the courts in the NC system, from Small Claims court to the NC Supreme Court. Also click on Magistrates and bring that page to class. Finally, within the Small Claims topic, click on Guide to Small Claims. This will take you to a Legal Aid web-site which details the specifics of various Small Claims actions. Find, print off, and bring to class the summons and complaint forms to commence a Small Claims action for money owed. Staple all paperwork. We will use it in class. I will take it up at the end of class.

Sept. 15 Chapter 4—Jurisdiction and Policy Making Boundaries

Sept. 17 We Celebrate Constitution Day

Guest Speaker—Justice Robert Edmunds of the NC Supreme Court

Sept. 22 Chapter 5 –State Court Judges

Guest Speaker—Judge Polly Sizemore, District Court Judge of the 18th Judicial District

Sept. 24 Chapter 6 – Federal Judges

ORWW—Go to and explore the web-sites for the US District Court for the Middle District of North Carolina (www.ncmd.uscourts.gov/) and for the United States Court of Appeals for the Fourth Circuit (www.ca4.uscourts.gov). Use the info on these sites to Complete a Q & A sheet I will give you.

Sept. 29 Case Brief and Debate No. 4: *TS* Issue 13—Is a life sentence for stealing \$150 worth of goods constitutional?

Oct. 1 *The Last Campaign* (Video)

Oct. 6 *The Last Campaign*, continued

ORWW: The US Supreme court recently decided a case involving the W. Va. 2004 judicial election. Go to the web-site of the Supreme Court (www.supremecourtus.gov). Find, read, and brief the opinion in *Caperton v. A.T. Massey Coal Co., Inc.* (slip opinion decided 6-8-2009) We will not debate this. Just do a case brief on this legal development.

Oct. 8 Mid-term Exam

Oct. 13 We are on fall break. No class.

Oct. 15 Case Brief and Debate No. 5: *TS* Issue 12—Is the death penalty for juveniles constitutional?

Oct. 20 Chapter 8 – Lawyers, Litigants & Interest Groups

Guest speaker—ACLU lawyer

Oct. 22 Case Brief and Debate No. 6: *TS* Issue 10—Thermal Imaging

Oct. 27 Chapters 9 and 10, Criminal Procedure and Criminal Rights

Oct. 29 Chapters 9 and 10 continued

Guest Speaker—Public Defender

Nov. 2 Case Brief and Debate No.7: *TS* Issue 11—Constitutionality of filtering internet access by Schools and libraries

Nov. 5 Chapter 11 – The Civil Court Process

ORWW—go to the NC Appellate Court electronic filing system at www.ncappellatecourts.org/nc_main_1.nsf (note the underlines in this address before and after “main”). Click Search Library. On next screen, in the case number box, type 08-1188 and click Search. On the next screen, click on the docket number for Record. This brings up the record on appeal in *Sluder v. Sluder*. Browse through this record. This exercise is to familiarize you with documents routinely found in a civil case at the trial level and into the appeal stage. Use the record to answer questions on a sheet I will give you.

Nov. 10 Employment Discrimination Law—a look at one of the areas of substantive civil law

Go to www.eeoc.gov, the EEOC web-site. Read generally about Title VII and the various types of discrimination it prohibits. Read generally about the Americans with Disabilities Act.

Read *EEOC v. Watkins Motor Lines, Inc.*, 463 F.3d 436 (6th Cir. 2006) (an obesity Case under the ADA). To find it, go to www.law.cornell.edu. Click on Court Opinions. Click on Other Federal Courts Opinions. Click on US Court of Appeals (6th Circuit) (1994-present). Click on Opinions Search. In the Case Number box, type 05-3218 and click Submit Query. Click on 06a0351p.06

Case Brief and Debate No. 8: OIE Issue—Brief the above case and debate whether obesity a disability under the ADA

Nov. 12 Administrative Agencies Quasi-Judicial Functions: Industrial Commission (Worker's Comp)
Social Security Administration (Social Security Disability)

Reserve reading

Guest Speaker—Administrative Law Judge

Nov. 17 Chapter 12 – Decision Making by Trial Court Judges
Chapter 13 – Decision Making by Collegial Courts

Nov. 19 Mediation and other ADR

Go to www.eeoc.gov. Under Filing a Charge, click on mediation. Explore the mediation site. Read Facts About Mediation, Questions and Answers about Mediation, and History of the EEOC Mediation program. Watch the short video *EEOC's Top 10 Reasons to Mediate*.

In class, we will see a video of a simulated mediation.

Nov. 24 Case Brief and Debate No. 9: TS Issue No. 19—Constitutionality of Race-Conscious Admissions Policies at public Universities.

Nov. 26 Thanksgiving Break

Dec. 1 Chapter 14 – Implementation and Impact

Dec. 3 (Last Day of Class) Wrap-Up

Dec. 8 Reading Day (no classes)

Dec. 10 Final Exam (8-11 a.m.)